

CODE	Section IA EEOC / ADA CIVIL RIGHTS AND AMERICANS WITH DISABILITIES COMPLIANCE	Y E S	N O	N O T E
EE01	<p>Federal contracting managed care organizations are required under the laws administered by the Department of Labor’s Office of Federal Contract Compliance Programs (OFCCP) to analyze their workforce, evaluate the total scope of their personnel practices, and identify barriers to equal employment opportunity. Where such barriers are disclosed, the contractor is obligated, as part of its contractual obligations, to take corrective action including, where appropriate, establishing goals to address the underutilization of women and minorities in its workforce.</p> <p>Executive Order 11246; Section 503 of the Rehabilitation Act 1973; and the affirmative action provisions (section 4212) of the Vietnam Era Veterans’ Readjustment Assistance Act, Sec 41 CFR 60-2.12(e) and 60-2.30.</p> <p style="text-align: right;">[] NOTED [] NOT NOTED</p>			
MOE	<p><u>EE01</u></p> <p>The U.S. Department of Labor’s Office of Federal Contract Compliance Programs (OFCCP) is responsible for the enforcement of three equal employment opportunity programs that apply to Government contractors and subcontractors: Executive Order 11246; Section 503 of the Rehabilitation Act of 1973; and the affirmative action provisions of the Vietnam Era Veterans’ Readjustment Assistance Act of 1974. Taken together, these laws ban discrimination and require Federal contractors and subcontractors, as a condition of their government contracts, to take affirmative action to ensure that minorities, women, individuals with disabilities and veterans have equal opportunity to compete for employment.</p> <p>Affirmative action does not mandate preferential treatment, hiring unqualified workers, using quotas or set-asides. Moreover, any form of quotas is unlawful under OFCCP regulations.</p> <p>The OFCCP Executive Order Regulations provide Federal contractors (with 50 employees and at least a \$50,000 contract) with a blueprint by which to develop a written affirmative action plan. If a contractor fails to comply with its contractual obligations, OFCCP laws authorize the Secretary of Labor to cancel, terminate, or debar a Federal contractor from receiving future contracts with the Government. However, a contractor cannot be debarred without having an opportunity for a full evidentiary hearing before an administrative law judge. No contractor is sanctioned for failing to meet a numerical goal.</p>			

MOE con't.	Under normal circumstances, the reviewer is not responsible for verifying that the MCO meets the above requirements at the time of the monitoring visit. An operating presumption is that an MCO that does not meet the aforementioned requirements would not be permitted to continue contracting with the Health Care Financing Administration for the provision of medical services to Medicare recipients. Certain circumstances may dictate that a reviewer check to confirm that the MCO continues to meet all applicable Federal regulatory requirements to complete this section of the review guide. In completing this section of the <i>Review Guide</i> , reviewers may request assistance by contacting the Central Office HPPA/Performance Review Team within the Health Plan Purchasing and Administration Group.			
EE02	<p>Federal contracting managed care organizations are required under the laws administered by the Equal Employment Opportunity Commission (EEOC) to prevent discrimination in federally assisted programs. Under the rules governing grants, loans, and contracts no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.</p> <p>Each Federal department and agency which is empowered to extend Federal financial assistance to any program or activity by way of grant, loan, or contract other than a contract of insurance or guaranty is empowered to administer this legal requirement.</p> <p>Public Law 88-352, July 2, 1964; Sections 602 & 603 of the Civil Rights Act of 1964.</p> <p style="text-align: right;"><input type="checkbox"/> NOTED <input type="checkbox"/> NOT NOTED</p>			
MOE	<p><u>EE02</u> The U.S. Equal Employment Opportunity Commission (EEOC) was created by Congress and enforces Title VII of the Civil Rights Act of 1964, which prohibits employment discrimination based on race, color, religion, sex, or national origin.</p> <p>Since 1979, EEOC also has enforced the Age Discrimination in Employment Act of 1967, which protects employees 40 years of age or older; the Equal Pay Act of 1963, which protects men and women who perform substantially equal work in the same establishment from sex-based wage discrimination; and Section 501 of the rehabilitation Act of 1973, which prohibits Federal discrimination against persons with disabilities. The EEOC provides oversight and coordination of all federal regulations, practices and policies affecting equal employment opportunity.</p> <p>Review of these regulatory requirements is conducted by the EEOC. If their investigation shows reasonable cause to believe that an incident of discrimination occurred, they will take action that they deem necessary. On-site reviewing parties are required to refer all suspected incidents of discrimination to the HCFA central office HPPA/Performance Review Team for review. If necessary, cases may be forwarded to the headquarters office of the EEOC for possible investigation.</p>			

EE03	<p>Pursuant to Section 504 of the Rehabilitation Act of 1973 which prohibits discrimination against any individual because of disability, Federal contractors are required to adhere to the prohibition against disability-based discrimination .</p> <p>Public Law 93-112, section 504.</p> <p style="text-align: right;">[] NOTED [] NOT NOTED</p>			
MOE	<p>EE03</p> <p>Section 504 of the Rehabilitation Act of 1973 represents the first Federal civil rights law protecting the rights of persons with disabilities. The central requirement of this aspect of the law is program accessibility; i.e., can beneficiaries obtain Medicare services or are they otherwise prohibited from doing so due to access issues? All new facilities are required to be constructed so as to be readily accessible to and useable by persons with disabilities. Every existing facility need not be made physically accessible, but all recipients of Federal contracts must ensure that programs conducted in those facilities are made accessible. This requirement does not mandate a contract recipient to make every part of a facility accessible to and usable by persons with disabilities.</p> <p>If a health care provider or supplier with fewer than fifteen employees cannot structurally change the physical layout of the providing location to accommodate the needs of persons with disabilities, that provider / supplier can refer the disabled person to other providers / suppliers that are disability accessible.</p> <p>The Department of Health and Human Services has assigned the EEOC the enforcement provisions of this requirement. Onsite reviewing staff should first discuss their concerns with MCO management when the reviewers(s) believe that issues affecting accessibility to services are present. History has shown that MCOs are most cooperative with concerns of this nature. Several major MCOs have incorporated in their internal review guides provider site accessibility evaluation criteria that must be met prior to contracting with a provider or groups of providers. Some have even provided assistance to providers in relocating to sites that are accessible to those with disabilities. However, if personal intervention does not result in corrective action on the part of the contractor, <u>HCEA staff should then refer the incident to the central office HPPA/Performance Review Team for resolution.</u></p>			